



United States Attorney
Southern District of New York

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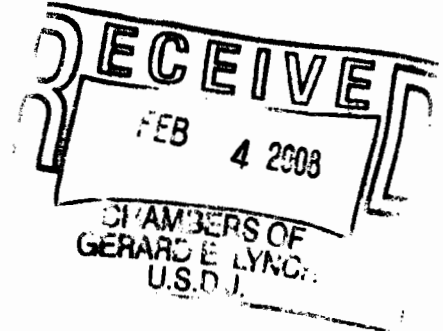
The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

RECEIVED

February 4, 2008

BY HAND

The Honorable Gerald E. Lynch
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007



Re: United States v. Michael Malinowski,
08 Cr. 23 (GEL)

Dear Judge Lynch:

The above-referenced matter has been assigned to Your Honor and the defendant was presented and arraigned before Magistrate Judge Debra Freeman on January 31, 2008. The initial conference have been scheduled for February 15, 2008 at 2:00 p.m.

The Government respectfully requests that the Court exclude time from the date of this letter until February 15, 2008, pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A). The ends of justice served by such continuance outweigh the interest of the public and the defendant in a speedy trial because the continuance will allow the Government time to collect and produce discovery to the defendant and the defense to review that discovery. Defense counsel objects to this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:

Carrie H. Cohen
Assistant U.S. Attorney
(212) 637-2264

** Denied. This is an ordinary incident of the criminal process, not a basis for an exclusion.*

SO ORDERED

GERARD E. LYNCH, U.S.D.J.

2/4/08

cc by fax: Sabrina Shroff, Esq., Attorney for Defendant